

## **Exhibit D**

FEB 07 '02 02:43PM WARHOL

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**Andy Warhol Art Authentication Board, Inc.**

**EXHIBIT B**

**Date: February 7, 2002**

**Applicant, Owner: Joe Simon**

**Description of Work: *Self-Portrait*  
Silkscreen ink on canvas, 24 x 20"**

**Identification Number: B101.021**

The Andy Warhol Art Authentication Board, Inc. (the "Authentication Board") has caused the above-described work to be examined by its representatives and to be endorsed with a legend which includes the foregoing identification number. It is the opinion of the Authentication Board that said work is not the work of Andy Warhol.

THE FOREGOING IS MERELY AN OPINION BASED UPON AN INSPECTION OF THE WORK AND CIRCUMSTANCES KNOWN TO THE AUTHENTICATION BOARD AT THIS TIME. NEITHER THE AUTHENTICATION BOARD, THE ANDY WARHOL FOUNDATION FOR THE VISUAL ARTS, INC., THE ESTATE OF ANDY WARHOL, NOR ANY OF THEIR RESPECTIVE MEMBERS, OFFICERS, DIRECTORS, EMPLOYEES, AGENTS OR REPRESENTATIVES, OR OTHERS ACTING FOR ANY OF THEM, OR THEIR SUCCESSORS, SHALL HAVE ANY LIABILITY WHATSOEVER TO ANYONE BY REASON OF THE FOREGOING OPINION.

This letter is subject to the terms and conditions of the letter agreement pursuant to which it has been issued.

**ANDY WARHOL ART  
AUTHENTICATION BOARD, INC.**

By:

  
Authorized Representative

525 West 20 Street, 7th Floor  
New York, NY 10011  
Telephone: 212.727.1735  
Facsimile: 212.242.2838

David Whitney, President  
Robert Rosenblum, Treasurer  
Neil Printz, Secretary  
Sally King-Nero

## **Exhibit E**

MAY-24-2004 17:38

TO 01144207/0511144 F.03  
212 732 2042 F.03/04

## Andy Warhol Art Authentication Board, Inc.

May 18, 2004

Joe Simon  
14 Langton Street  
London SW 10 0JH  
ENGLAND

Dear Mr. Simon,

It is the opinion of the Andy Warhol Art Authentication Board that the work you submitted, "Self Portrait," marked by the Board "B101,021" and "B138,032" on the verso, is not a work by Andy Warhol for the following reasons:

- The series of self-portraits that Andy Warhol made in early 1964 consists of a group of works of the same size, produced from the same photographic source. Eleven works of this type have been documented by the editors of the Andy Warhol Catalogue Raisonné thus far. Each work in this series is different from all the others as noted below. This is not the case with respect to the work you submitted to the Andy Warhol Art Authentication Board.
- To date, ten paintings have been examined by the Andy Warhol Art Authentication Board that are identical to each other and to the work you submitted. The existence of ten identical works is without precedent in the corpus of Warhol's paintings.
- The background of the self-portraits that Andy Warhol made in early 1964 is painted by hand; and each background has been painted a different color. The background of the painting you submitted and the backgrounds of the nine identical examples are printed, not hand-painted.
- The eyes, skin tones, and the silver hair in the self-portraits that Andy Warhol made in early 1964 are hand-painted; the color of the eyes varies from work to work. The eyes, skin tones, and hair in the work you submitted and in the nine identical examples are printed, not hand-painted.
- The only aspect of the self-portraits that Warhol made in early 1964 that is printed is the black silkscreen impression, printed over the areas of hand-painted color. Each impression varies among the works made by Warhol, as does the registration of the black screen over the areas of hand-painted color. This is not the case with respect to the work you submitted and the nine identical examples.
- Warhol's self-portraits of early 1964 were all made on linoleum. The work you submitted and the nine identical examples were made on cotton.

220 West 28th Street, 7th Floor  
New York NY 10001  
Telephone: 212 732 1133  
Facsimile: 212 747 7456

David Winters, ViceChair  
Robert Mazzacurati, Treasurer  
Neil Hirsch, Secretary  
Sue Krieg, NY



MAY-24-2004 17:38

- Warhol's self-portraits were produced from a photograph that he submitted to the silkscreen fabricator with his instructions on a paste-up mechanical. The photograph in the mechanical was reproduced by the silkscreen fabricator onto a photo-sensitive silkscreen. The silkscreen was used by Warhol to depict the outlines of the head and the features of the face. The tones from the photograph seen on the canvas as a pattern of black dots are known as halftone. The density of the halftone in the work you submitted to our review and in the nine identical examples is reduced, as compared to the density of the halftones in Warhol's early 1964 canvases, indicating the work you submitted and the other nine identical works examined by the Board were not made from the same silkscreen that Warhol used to make this series of work in early 1964.
- Finally, as part of its research, the Board learned that the work you submitted and the nine identical examples were printed by a commercial printer in 1965. This printer claimed that he received materials and specifications from another party, and had never had any contact with Warhol himself.

This contradicts the way Warhol worked. To be as precise as possible, during the 1960s Warhol's paintings were made in his studio. Only the screens that he used to make his paintings were fabricated outside the studio. However, these silkscreens were reproduced from a paste-up mechanical that was made by Warhol; the silkscreens were fabricated by printers whom Warhol had worked with on a regular basis; and were then printed in Warhol's studio. Moreover, silkscreen printing was part of a more complex process of making a painting that characteristically included areas of hand-painting. These paintings were made by Warhol himself or by Warhol with the help of a studio assistant, who worked directly under his supervision. The Board knows of no independently verifiable documentation from the period in question, 1964 through 1965, to indicate or to suggest that Warhol sanctioned or authorized anyone to make the work that you submitted to our review or the nine identical examples. This letter is provided to you subject to the terms and conditions of the Letter of Consent dated December 21, 2001 and January 31, 2003.

The Board trusts that this will explain the criteria of its opinion.

Sincerely,

ANDY WARHOL ART AUTHENTICATION BOARD, INC.



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TOTAL P/B4

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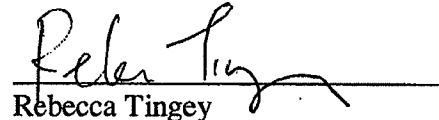
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that I caused a true and correct copy of the attached Amended Class Action Complaint dated October 19, 2007, to be served upon the following via electronic mail on October 19, 2007.

Gary D. Sesser  
**CARTER LEDYARD & MILBURN LLP**  
2 Wall Street  
New York, New York 10005  
sesser@clm.com

*Attorneys for Defendants The Andy Warhol  
Foundation For The Visual Arts, Inc.,  
Vincent Fremont, Vincent Fremont Enterprises,  
and The Andy Warhol Art Authentication Board, Inc.,*

Dated: New York, New York  
November 7, 2007

  
Rebecca Tingey